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Washington, Saturday, April 2, 1938

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6055 OF FEBRUARY 28, 1933,
WITHDRAWING PUBLIC LANDS

Colorado

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6055 of February 28, 1933, withdrawing public lands in Colorado pending a resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of the resurvey of the said lands.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 30, 1938.

[No. 7854]

[F. R. Doc. 38-945; Filed, March 31, 1938; 4:09 p. m.]

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 5089 OF APRIL 9,
1929, WITHDRAWING PUBLIC LANDS FOR CLASSIFICATION AND
IN AID OF PROPOSED LEGISLATION

Colorado

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 5089 of April 9, 1929, temporarily withdrawing certain lands in Colorado for classification and in aid of proposed legislation, is hereby revoked as to the following-described public lands:

SIXTH PRINCIPAL MERIDIAN

T. 4 N., R. 80 W.,
sec. 21, E $\frac{1}{2}$;
secs. 22 to 26, inclusive;
sec. 27, N $\frac{1}{2}$;
sec. 28, NE $\frac{1}{4}$;
sec. 35, N $\frac{1}{2}$;
aggregating 4,320 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 30, 1938.

[No. 7855]

[F. R. Doc. 38-946; Filed, March 31, 1938; 4:09 p. m.]

EXECUTIVE ORDER

RULES GOVERNING THE GRANTING AND ISSUING OF PASSPORTS IN
THE UNITED STATES

By virtue of and pursuant to the authority vested in me by section 1 of the act of July 3, 1926, 44 Stat. 887 (U. S. C.,

title 22, sec. 211a), I hereby prescribe the following rules governing the granting and issuing of passports in the United States.

Part I—Authority to Issue Passports in the United States

1. Only the Secretary of State may grant and issue passports in the United States. (Sec. 1, act of July 3, 1926, 44 Stat. 887; U. S. C., title 22, sec. 211a; sec. 4078, R. S.)

Part II—To Whom Passports Are Issued

2. No passport shall be granted or issued to any other persons than those owing allegiance, whether citizens or not, to the United States. (Sec. 4076, R. S; act of June 14, 1902, 32 Stat. 386; U. S. C., title 22, sec. 212)

3. Unless a request is made by the parental or other guardian that a passport be denied, passports may be issued to minors upon their own application.

4. Children may execute applications in their own behalf when of sufficient intelligence to understand the statements, and the meaning of the oath of allegiance to the United States, contained in the applications.

5. As a rule, children of 12 years of age or more should be required to execute their own applications for passports.

6. If circumstances warrant, a parent or guardian may execute applications for passports on behalf of minors of any age. The application should be signed thus: "Richard Roe, by John Roe, father." The oath of allegiance to the United States need not be administered.

Part III—Persons Who May Be Included in One Passport

7. Only persons who are citizens of, or who owe allegiance to, the United States may be included in a passport of the United States.

8. A passport issued to a husband or wife may include his or her spouse.

9. A passport issued to a parent may include his or her unmarried minor children or stepchildren.

10. A minor brother or sister may be included in the passport of an older brother or sister.

11. A minor grandchild, niece, or nephew of tender years may be included in the passport of the relative when the application therefor is accompanied by a request from the parental or other guardian.

12. Adopted children who are American citizens may be included in a passport issued to the adoptive parents. (See Par. 111).

13. A minor child who will attain majority within two years may be included in a passport issued to a parent under the conditions stated in this Part but such passport shall be limited in validity to the date when such minor child shall attain majority. In the discretion of the Secretary of State an exception may be made to this paragraph when the minor child will attain majority within a period not exceeding three months prior to the date of the expiration of the usual to-year period for which a passport is issued.



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Part IV—Applications for Passports

14. Before a passport is issued to any person by or under the authority of the United States such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, and each application shall contain a true recital of each and every matter of fact which may be required by law, or by any rules authorized by law, to be stated as a prerequisite to the issuance of any such passport. (Act of June 15, 1917, 40 Stat. 227; U. S. C., title 22, sec. 213.)

15. The application must be executed in person before a clerk of a Federal court or a State court authorized by the act of June 29, 1906, 34 Stat. 596, to naturalize aliens, or before an Agent of the Department of State within the jurisdiction in which the applicant or the witness to his application resides. However, if, for valid reason, the application is executed before such an official elsewhere, the Secretary of State may in his discretion accept such application.

16. When the application is executed before a clerk of court, the seal of the court must be affixed to the application. When the application is executed before an Agent of the Department of State, the seal of the Agency of the Department of State must be affixed to the application.

17. When an application for a passport is not made at or near the place where the applicant resides, the applicant should give the name and address of a reputable person residing at or near the place of the applicant's residence, to whom the clerk of court, the Agent of the Department of State, or the Department of State itself, may address such inquiry as may be necessary concerning the applicant. When it is necessary to make inquiries by telegraph, the expense thereof shall be borne by the applicant.

Part V—Names and Titles

18. The passport application shall contain the full name of the applicant, thus, "John Henry Smith", not "J. H. Smith". A married woman's name should, ordinarily, be written thus: "Mary Elizabeth Doe", not "Mrs. John Doe".

19. An applicant whose name has been changed by order or decree of a court should submit with his application a certified copy of such order or decree. An applicant who has changed his name by the adoption of a new name without formal court procedure, if he resides in a State where a formal court procedure is not necessary, should submit with his application the affidavits of two or more persons to the effect that he uses the new name exclusively, has used it exclusively for a stated period of time, and is known by such name in the community in which he resides.

20. A married woman desiring a passport issued in her maiden name must submit with her application the affidavits of two or more persons to the effect that she uses her maiden name exclusively, has used it exclusively for a stated period of time, and is known by such name in the community in which she resides.

21. If an applicant desires to use a professional name, he must submit affidavits of two or more persons to the effect that the applicant has used the professional name for a stated period of time. A married woman who uses her maiden name for professional purposes must submit affidavits of two or more persons to the effect that she has used such name for professional purposes for a stated period of time. In the case of an applicant using a professional name, his passport will be written thus: "John Henry Jones (professionally known as Thomas Augustus Smith)". In the case of a married woman using her married name, and also her maiden name as a professional name, the passport will be written thus: "Mary Doe (professionally known as Mary Roe)", and an applicant's name in religion or an author's *nom de plume* will be similarly written.

22. The Department of State may, in addition to the evidence required under this Part, require such other evidence as it may deem necessary.

Part VI—Contents of Application for a Passport

A. Each Application of a Native Citizen for a Passport Must Contain the Following:

23. The applicant's name.
24. The place and date of the applicant's birth.
25. The name, date and place of birth, and place of residence, of the applicant's father. (If the applicant was born outside of the United States at or after noon, Eastern Standard Time, May 24, 1934, of an alien father and an American mother, a supplemental affidavit shall be required giving the name, and date and place of birth, of the mother and complete data concerning the manner and date of her acquisition of American citizenship.)
26. The place of permanent residence of the applicant.
27. Whether the applicant has been naturalized as a citizen of a foreign state or has taken an oath of allegiance to a foreign state.
28. If the applicant or his father was born abroad, the period of residence of the applicant outside of the United States.
29. If the applicant's father was born abroad, the date of his emigration to the United States, the period of his residence in the United States, and if naturalized, the date and place of his naturalization as a citizen of the United States.
30. If the applicant is a woman: Whether she has ever been married; if so, the date of her marriage; the name, and date and place of birth, of her husband; whether he is a citizen of the United States; the place of his residence; her maiden name; whether she was previously married; if so, the name and place of birth of her former husband; the date and place of her former marriage; whether the marriage was terminated by death or divorce and the date thereof; if the present or former husband was born abroad, the date of his emigration to the United States; and if naturalized, the date and place of his naturalization, or if naturalized through his father, the father's name and date and place of his naturalization.
31. Such further information as the Secretary of State may require to establish satisfactorily the American citizenship of the applicant.
32. The name of the port from which, and the name and date of sailing of the vessel upon which, the applicant intends to depart from the United States.
33. The place of issue, and, if possible, the date or approximate date, the number, and the disposition made, of any passport previously issued to the applicant.
34. The names of the countries the applicant intends to visit and the object of the visit to each. (The Secretary of State may in his discretion require an applicant to submit satisfactory documentary evidence of the object of his visit to each country named in his application.)
35. The period within which the applicant intends to return to the United States.
36. A description of the applicant.
37. The applicant's oath or affirmation of allegiance to the United States.
38. If the applicant desires that members of his family be included in his passport, the information required by Paragraphs 65 to 69, inclusive, shall also be furnished.

Photographs of the Applicant

39. The applicant must submit with his application duplicate photographs not more than 3 by 3 inches and not less than 2½ by 2½ inches in size, unmounted, printed on thin paper on a light background, showing the full front view of the features of the applicant, and taken within six months of the date they are submitted. Snapshot, newspaper, magazine or full-length photographs will not be accepted. One photograph must be signed by the applicant, whose signature should correspond with the signature on the application. The unsigned photograph should be affixed by the clerk of court or Passport Agent to the application and the seal of the court or Passport Agency must be impressed on the lower portion of the photograph in such manner as not to obscure

the features. The seal of the court or Passport Agency should not be impressed upon the signed photograph, which should be forwarded to the Department of State to be attached to the passport, if issued. An applicant who is accompanied by members of his family should submit duplicate photographs of the accompanying members. A group photograph is preferable. Photographs in the uniform of the United States Military or Naval Service will be accepted only from applicants who are in the active service of the United States and are proceeding abroad in the discharge of their duties.

Affidavit of a Supporting Witness

40. When the applicant applies for a passport he should be accompanied by one credible witness who is an American citizen, has known the applicant for a period of two or more years, and has a definite place of residence. The witness must state in the application that he is a citizen of the United States, that he knows the applicant to be a citizen of the United States, that the allegations contained in the application are true to the best of his knowledge and belief, and that he has known the applicant for a definite period of time. If the witness has been issued an American passport he should state the place of issue, and, if possible, give the number and date, or approximate date, of issue. The witness should subscribe and swear to his statement before the clerk of court or Passport Agent.

41. If the applicant or the witness is not known to the clerk of court or Passport Agent and cannot present conclusive documentary evidence of identity, the applicant must obtain as a witness to his application an American citizen who is established in a recognized profession or business and who has his office or place of business within the jurisdiction of the court or the Passport Agency (e. g., a clergyman, lawyer, physician, banker, broker, real estate dealer, or merchant). Clerks of courts and Passport Agents should satisfy themselves of the identity and *bona fides* of each applicant and his witness.

42. A passport issued by the Secretary of State, to which is affixed the photograph and signature of the person to whom the passport was originally issued, will be accepted in lieu of an identifying witness.

43. No lawyer or other person who expects to receive a fee in connection with the application or passport will be accepted as a supporting witness.

B. Each Application for a Passport of a Person Claiming Citizenship Through Naturalization Must Contain the Following:

44. The applicant's name.
45. The date and place of the applicant's birth.
46. The date of the applicant's emigration to the United States.
47. The period of the applicant's residence in the United States.
48. The place of permanent residence of the applicant.
49. The name of the applicant's father, and whether or not he is an American citizen, place of his birth, place of his present residence, and if naturalized, date and place of his naturalization.
50. If the applicant claims citizenship through the naturalization of his mother or through the acquisition of citizenship by both of his parents, a supplemental affidavit shall be required giving, in addition to the data required concerning his father, the name, and date and place of birth, of the mother and complete data concerning the manner and date of her acquisition of American citizenship.
51. If the applicant has been naturalized, upon his own petition, as a citizen of the United States, the date and place of such naturalization.
52. Whether since naturalization as a citizen of the United States the applicant has been naturalized as a citizen of a foreign state or taken an oath of allegiance to a foreign state.
53. The periods and places of residence outside of the United States since naturalization.
54. If the applicant is a woman: Whether she has ever been married; if so, the date of her marriage; name, and date and

place of birth, of her husband; whether he is a citizen of the United States; the place of his residence; her maiden name; whether she was previously married; if so, the name and place of birth of her former husband; the date and place of her former marriage; whether the marriage was terminated by death or divorce and the date thereof; if the present or former husband was born abroad, the date of his emigration to the United States; and if naturalized in the United States, the date and place of his naturalization, or if naturalized through his father, the father's name and the date and place of his naturalization.

55. Such further information as the Secretary of State may require to establish satisfactorily the American citizenship of the applicant.

56. The name of the port from which, and the name and date of sailing of the vessel upon which, he intends to depart from the United States.

57. The place of issue, and, if possible, the date or approximate date of issue, the number and the disposition made, of any passport previously issued to the applicant.

58. The names of the countries the applicant intends to visit and the object of the visit to each. (The Secretary of State may in his discretion require an applicant to submit satisfactory documentary evidence of the object of his visit to each country named in his application.)

59. The period within which the applicant intends to return to the United States.

60. A description of the applicant.

61. The applicant's oath or affirmation of allegiance to the United States.

62. The provisions of Paragraph 39, relating to photographs, and Paragraphs 40 to 43, inclusive, relating to supporting witnesses, shall also be observed in connection with all applications submitted under this subdivision.

63. If the applicant desires that members of his family be included in his passport, the information required by Paragraphs 65 to 69, inclusive, shall also be furnished.

64. If the signature on the application does not conform to the applicant's name as written on his certificate of naturalization, a satisfactory explanation of the difference shall be submitted.

C. When an Applicant for a Passport Desires to Include a Member or Members of his Family his Application Must Contain the Following:

65. The names, and dates and places of birth, of other persons to be included in the passport.

66. In case a wife is to be included in the passport, complete data as to present and any former marriage, including the name, and date and place of birth, of her former husband, the date and place of marriage, whether the marriage was terminated by death or divorce and the date of termination. If the wife was born abroad, the date of her emigration to the United States; the date and place of her naturalization if she did not acquire American citizenship by marriage; the dates and places of residence abroad since acquiring citizenship; and whether she has been naturalized as a citizen of a foreign state or taken an oath of allegiance to a foreign state since acquiring American citizenship. If the wife acquired citizenship through naturalization of a parent or a former husband, the name of the parent or the former husband and the date and place of naturalization.

67. If a native-born husband is included in the application, the date and place of his birth; the dates and places of residence abroad; the name of his father; the date and place of his father's birth, and, if born abroad, the date of his emigration to the United States, and the dates and places of his residence in the United States; if naturalized, the date and place of his naturalization and the dates and places of his residence outside of the United States subsequent to naturalization; and whether the husband or his father has been naturalized as a citizen of a foreign state or taken an oath of allegiance to a foreign state. If the husband's father has acquired American citizenship through

naturalization of a parent, in addition to the foregoing, the name of the parent and date and place of naturalization.

68. If a foreign-born husband is included in the application, the date and place of his birth; the date of his emigration to the United States; the date and place of his naturalization; dates and places of residence abroad since naturalization; and whether he has been naturalized as a citizen of a foreign state or taken an oath of allegiance to a foreign state since naturalization as a citizen of the United States. If the husband has acquired citizenship through naturalization of a parent, the name of the parent and the date and place of naturalization.

69. If the husband or wife who is included in the application has previously been issued a passport, the place of issue, and, if possible, the date or approximate date of issue, the number, and the disposition made, of the passport previously issued.

D. Application of a Resident of an Outlying Possession of the United States Who was not Born or Naturalized in the United States but Who Owes Permanent Allegiance, Whether Citizen or Not, to the United States.

70. A resident of an outlying possession of the United States who was not born or naturalized in the United States but who owes permanent allegiance, whether citizen or not, to the United States must state in his application such facts concerning the date and place of his birth and the birth of his father; the dates and places of his and his father's residence in the United States and in the outlying possessions of the United States; and the dates and places of his residence abroad, and such other facts as may be necessary to determine his nationality status. In addition he must state whether since acquiring American nationality he has been naturalized as a citizen of a foreign state or taken an oath of allegiance to a foreign state.

71. If the applicant is a woman: Whether she has ever been married; if so, the name, and date and place of birth, of her husband; his nationality status; the place of his residence; her maiden name; whether she was previously married, and, if so, the name and place of birth of her former husband; the date and place of her former marriage; whether the marriage was terminated by death or divorce and the date thereof; and if the present or former husband was born abroad, the date of his emigration to the United States or an outlying possession of the United States.

72. The applicant shall also comply with the requirements of Paragraphs 32 to 37, inclusive.

73. The provisions of Paragraph 39, relating to photographs, and Paragraphs 40 to 43, inclusive, relating to supporting witnesses, shall also be observed in connection with applications submitted under this subdivision.

74. If the applicant desires that members of his family be included in his passport, he shall furnish such information with respect to them as may be required by these rules for the purpose of determining their nationality status.

75. The applicant must submit such further information as the Secretary of State may require to establish satisfactorily his status as an American national.

Part VII—Amendment of Passports

76. Passports may be amended in the United States by the Department of State or any of the Passport Agents of the Department of State.

77. Passports may be amended to include only those persons who are citizens of, or who owe permanent allegiance to, the United States.

78. A request for the amendment of a passport to include any person should be in writing and accompanied by documentary evidence that such person is a citizen of the United States or owes permanent allegiance to the United States, and by two photographs meeting the requirements of these rules.

79. A passport may be amended to include any of the persons specified in Paragraphs 7 to 13, inclusive, that is,

any of the persons who might have been included in the passport when originally issued.

80. A passport will not be amended to include a person who bears a valid passport issued in his own name unless such passport is submitted for cancellation.

81. A passport will not be amended to include a person who is included in a valid passport unless such passport is submitted for amendment to exclude such person.

82. A passport may be amended upon the written request of the person to whom it was issued, to exclude a person or persons originally included in the passport.

83. The Secretary of State may in his discretion require an applicant for an amendment of a passport to submit satisfactory documentary evidence of the object of his journey abroad.

Part VIII—Period of Validity of Passports and the Renewal and Extension Thereof

84. The original period of possible validity of a passport is restricted to two years: *Provided*, that the passport may be renewed for a period of not more than two additional years under regulations prescribed by the Secretary of State: *And provided further*, that the Secretary of State may restrict the original or renewal period of a passport to less than two years. (Act of May 16, 1932, ch. 187, 47 Stat. 157; U. S. C., title 22, sec. 217a)

85. The Secretary of State may in his discretion require an applicant for the renewal of a passport to submit satisfactory documentary evidence of the object of his journey abroad.

Part IX—Fee for the Execution of an Application, for the Issue of a Passport and for the Renewal of a Passport, and Exemptions From the Payment of the Fee for the Issue of Passports

86. A fee of \$1.00 shall be collected for the execution of each application for a passport. This rule is applicable in all cases, including the cases of persons applying for passports to proceed abroad on official business for the United States. (Act of June 4, 1920, 41 Stat. 750; U. S. C., title 22, sec. 214)

87. A fee of \$9.00 shall be collected for each passport issued, except as hereinafter provided in Paragraphs 91 to 99, inclusive. A fee of \$5.00 shall be collected for the renewal of a passport. (Act of May 16, 1932, ch. 187, 47 Stat. 157; U. S. C., title 22, sec. 217a)

88. The Secretary of State is authorized to make regulations authorizing the retention by State officials of the fee of \$1.00 for executing an application for a passport. (Sec. 1, act of June 4, 1920, 41 Stat. 750; U. S. C., title 22, sec. 214)

89. The fees of \$9.00 for the issue of a passport and \$5.00 for the renewal of a passport, payable in currency or postal money order, shall accompany each application for a passport and for the renewal of a passport executed before a clerk of a court. Money orders should be made payable to the Secretary of State, Washington, D. C. If currency is transmitted with the application it will be understood that its transmission is at the risk of the applicant. If the application is executed before a Passport Agent of the Department of State, the fee shall be paid in currency. Personal checks will not be accepted by clerks of courts or Passport Agents.

90. The Secretary of State is authorized in the case of Passport Agencies to make such regulations as he may deem satisfactory for the transmission to him of fees collected in such Agencies.

Persons Exempt from the Payment of the Passport Fees

91. No fees shall be collected for passports issued to officers or employees of the United States proceeding abroad in the discharge of their official duties, or to members of their immediate families, or to seamen, or to widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines buried abroad whose journey is undertaken for

the purpose and with the intent of visiting the graves of such soldiers, sailors, or marines, which facts shall be made a part of the application for the passport. (Sec. 1, act of June 4, 1920, 41 Stat. 750; U. S. C., title 22, sec. 214)

(a) *Officers or employees of the United States and Members of their immediate families.*

92. In order to be exempt from the payment of the passport fee, an officer or employee of the United States shall submit with his application a written request for a passport from the head of the department or office in which he is employed. The request should set forth the nature of the employment of the applicant, the names of the countries in which he intends to travel, and the official nature of the journey abroad. These conditions shall be applicable to the renewal of a passport to an officer or employee of the United States.

93. An applicant who is a member of the immediate family of an officer or employee of the United States who intends to go abroad on official business, or who is abroad on such business, shall not be required to submit documentary evidence of the official status of the officer or employee of the United States of whose immediate family he is a member if he will refer to the passport application made by such officer or employee and such application meets the requirements of the preceding paragraph.

(b) *American seamen.*

94. No fees shall be collected for passports issued to American seamen. (Act of June 4, 1920, 41 Stat. 750; U. S. C., title 22, sec. 214)

95. Passports should not be issued to American seamen employed as such on American vessels unless documentary evidence is submitted to the Secretary of State satisfactorily establishing that it is necessary for the seaman to bear an American passport, in addition to the ordinary official documents issued to seamen, in which case they may be issued passports valid for a period sufficient to enable them to carry out the purpose for which the passport is desired. Seamen not traveling as such are not exempt from the payment of the passport fee.

96. Passports shall not be issued to American citizens who are employed or expect to be employed as seamen on foreign vessels unless the necessity for the possession of a passport is established to the satisfaction of the Secretary of State. However, in such case the seaman is not exempt from the payment of the passport fee.

97. A seaman who possesses a seaman's certificate of American citizenship should submit such certificate with his application for a passport. No other document issued to a seaman under laws applicable to seamen shall be required to be surrendered in connection with an application for a passport.

(c) *Persons visiting the graves of American soldiers, sailors, or marines buried abroad.*

98. No fees shall be collected for passports issued to widows, children, parents, brothers, and sisters of an American soldier, sailor, or marine buried abroad, who intends to go abroad for the purpose of visiting the grave of such soldier, sailor, or marine. (Act of June 4, 1920, 41 Stat. 750; U. S. C., title 22, sec. 214)

99. In order to be issued a passport without payment of the passport fee, such applicant, proceeding abroad for the purpose stated, must submit with his application a statement from the War Department, Washington, D. C., setting forth the name of the deceased American soldier, sailor, or marine to whom the applicant claims relationship, and the place of burial in a foreign country. A passport issued upon such application will be valid only for the country in which the deceased soldier, sailor, or marine is buried and the countries en route.

Part X—Evidence of Citizenship to Accompany Applications for Passports

(a) *Native citizens.*

100. A person born in the United States in a place where official records of birth were kept at the time of his birth must

submit with the application a birth certificate under the seal of the official custodian of birth records. A certificate to be acceptable must show the date and place of birth and that the record thereof was made at the time of birth or shortly thereafter. If a birth certificate is not obtainable, that fact should be shown, and the application should be supported by a baptismal certificate or a certified copy of the record of baptism under the seal of the church in which the applicant was baptized, giving the date and place of birth, the date of baptism, and the date on which the record of baptism was made. A baptismal certificate to be acceptable must show that the baptism occurred within a short time after the date of the birth of the applicant as shown in the certificate. If birth and baptismal certificates are not obtainable, an affidavit of the parent or of the physician, nurse, or midwife who attended the birth, or the affidavit of a reputable person having sufficient knowledge to be able to testify as to the place and date of the applicant's birth may be accepted. A person who did not attend the birth but who testifies concerning the place and date of the applicant's birth should state briefly how and through what source the knowledge was acquired.

101. A person born abroad whose father was born in the United States and at the time of the applicant's birth had not ceased to be a citizen of the United States must submit with his application evidence of the father's birth in this country as required in the preceding paragraph.

102. If the applicant comes within the provisions of Paragraph 100 or 101 and has previously been issued a passport, reference to the application upon which such passport was issued will be sufficient, provided there was submitted with such application satisfactory evidence of American citizenship. If the applicant has not previously been issued a passport but his father has been issued such a document, reference to the application upon which a passport was issued to his father will be sufficient, provided there was submitted with such application satisfactory evidence of the father's American citizenship.

103. A person born abroad after noon, Eastern Standard Time, May 24, 1934, of a mother who was born in the United States and an alien father, must submit with his application evidence of the mother's birth in this country as required by Paragraph 101.

104. A person born abroad after noon, Eastern Standard Time, May 24, 1934, of parents both of whom were born in the United States, must submit with his application evidence of the birth in this country of both of his parents as required by Paragraph 101. If either parent has previously been issued a passport, reference to the application upon which such document was issued will be sufficient as evidence of the citizenship of that parent, provided there was submitted with such application evidence of his American citizenship.

105. A person born abroad who claims American citizenship through the birth abroad of a father who acquired American citizenship at birth must submit evidence of the citizenship of his paternal grandfather and evidence that his father resided in the United States prior to the applicant's birth. If the father has previously been issued a passport, reference to the application upon which such document was issued will be sufficient as evidence of the citizenship of the father, provided there was submitted with such application evidence of his father's American citizenship and it satisfactorily appears from such application that the father had resided in the United States prior to the applicant's birth abroad.

106. A person born abroad after noon, Eastern Standard Time, May 24, 1934, who claims American citizenship through the birth abroad of a mother who acquired American citizenship at birth must submit evidence of the citizenship of his maternal grandfather and evidence that his mother resided in the United States prior to the applicant's birth. If the mother has previously been issued a passport reference to the application upon which such document was issued will be sufficient as evidence of the citizenship of the mother, provided there was submitted with such application

evidence of her father's American citizenship and it satisfactorily appears from such application that the mother had resided in the United States prior to the applicant's birth abroad.

107. A person born abroad who claims citizenship at birth through a parent who was naturalized as a citizen of the United States must submit with his application the parent's certificate of naturalization, unless the applicant or his father has previously been issued a passport upon an application with which was submitted satisfactory evidence of the father's naturalization.

(b) *Persons claiming citizenship through naturalization of self or parent.*

108. A person naturalized in his own right must submit with his application his certificate of naturalization.

109. The child of a naturalized citizen claiming citizenship through the naturalization of the father or mother must submit the certificate of naturalization of the parent through whom he claims American citizenship, and if the parent was naturalized after noon, Eastern Standard Time, May 24, 1934, he must show that he has resided in the United States as a minor for a period of five years. If both parents have been naturalized, appropriate evidence thereof should be submitted. If the mother resumed American citizenship under section 3 of the act of March 2, 1907, 34 Stat. 1228, or was repatriated under the act of June 25, 1936, ch. 801, 49 Stat. 1917 (U. S. C., title 8, sec. 9a), appropriate evidence of such resumption or repatriation must be submitted with the application.

110. If the applicant comes within the provisions of Paragraph 108 or 109 and has previously been issued a passport, reference to the application upon which such passport was issued will be sufficient, provided there was submitted with such application evidence of his naturalization or the naturalization of the parent through whom he claims citizenship.

(c) *An adopted child included in the passport of the foster parent or parents.*

111. As the adoption of an alien child by an American citizen does not confer American citizenship upon such child, it is necessary when an adopted minor child is to be included in the passport of the foster parent or parents that the application be accompanied by documentary evidence of the adoption of the child and evidence of the child's American citizenship. When evidence of the citizenship of an adopted child of the nature mentioned in this section cannot be obtained but the custody of the adopted child was obtained during early infancy from a reputable charitable or other organization, an affidavit may be executed by an official of such organization setting forth, if possible, the date and place of birth in the United States of its former ward, the fact that the child has been legally adopted, the date and manner of adoption, and the name and place of residence of the adoptive parent or parents. Such affidavit should also set forth the basis for the knowledge and belief of the affiant concerning the date and place of birth of the child and the date when the child was placed in the custody of the organization. If the child has not been formally adopted, that fact should be set forth in the affidavit, together with a statement indicating that the child has had a permanent and established place for a definite period of time with the family in whose custody the child has been placed by the organization. The Secretary of State may require the submission of such further information or documents as he may deem necessary to establish the legal or actual custody of the child and its nationality.

(d) *Wife included in husband's application.*

112. When an application includes the wife of the applicant, evidence of the husband's citizenship only shall be required if the wife was born in the United States, or if alien born was eligible to naturalization under section 1994 of the Revised Statutes of the United States (repealed by section 6 of the act of September 22, 1922, 42 Stat. 1022), provided that in both cases the marriage occurred prior to September 22, 1922, and the applicant was an American citizen at the

time of marriage or became a citizen prior to the date mentioned. When the marriage occurred on or after September 22, 1922, evidence of the American citizenship of both the husband and wife must accompany the application.

(e) *Husband included in wife's application.*

113. When an application includes the husband of the applicant, evidence of the husband's citizenship and not evidence of the wife's citizenship should be submitted if the marriage occurred prior to September 22, 1922. If the marriage occurred on or after September 22, 1922, evidence of the citizenship of the applicant and her husband must accompany the application.

114. The Secretary of State may require such additional evidence of citizenship as in his judgment may be necessary to establish the citizenship of an applicant for a passport.

Part XI—Evidence of Citizenship to Accompany a Woman's Application for a Passport

115. *The following classes of American-born women must submit evidence of their own citizenship:*

(a) One who has never been married.

(b) One who married on or after September 22, 1922.

(c) One who was married to an alien between March 2, 1907, and September 22, 1922, and whose marital status was terminated prior to September 22, 1922. If the marriage was terminated by divorce, the original decree of divorce or a certified copy of the court record thereof must be submitted. If the marriage was terminated by death, a statement to that effect must be made in the application. Prior to September 22, 1922, upon the termination of such a marriage a woman could resume her American citizenship, if abroad, by registering as an American citizen within one year with a Consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relationship, by continuing to reside therein. (Section 3, act of March 2, 1907, 34 Stat. 1228, repealed by section 7, act of September 22, 1922, 42 Stat. 1022) The manner in which American citizenship was resumed prior to September 22, 1922, must be set forth in the application and supported by appropriate evidence. If necessary, a supplementary statement under oath should be attached to the application.

(d) One who married an alien prior to March 2, 1907, but who did not, subsequent to the marriage, reside permanently abroad.

(e) One who married an alien prior to March 2, 1907, who, as a result of such marriage, acquired the nationality of the country of which her husband was a national, and who, subsequent to the marriage and prior to September 22, 1922, resided permanently abroad. In such case a woman must submit evidence that she resumed or re-acquired American citizenship.

116. An American-born woman who was married to an American citizen prior to September 22, 1922, must submit evidence of her husband's citizenship.

117. An American woman who lost American citizenship by marriage to an alien and whose husband became naturalized prior to September 22, 1922, must submit the certificate of naturalization of her husband.

118. *The following classes of alien-born women must submit evidence of their own citizenship:*

(a) One who has never been married, and who has been naturalized in her own right or through the naturalization of either or both parents, or through the resumption of American citizenship by the mother or by the latter's repatriation.

(b) One who, subsequent to acquiring American citizenship, married an alien prior to September 22, 1922, and who, after the termination of the marital status, resumed American citizenship under section 3 of the act of March 2, 1907, 42 Stat. 1022, or was naturalized in her own right.

(c) One who, subsequent to acquiring American citizenship, married an alien prior to September 22, 1922, and who subsequent to that date was naturalized as an American citizen.

(d) One who was married after September 22, 1922, but whose claim to citizenship is based upon her own naturalization or the naturalization of either or both parents or through the resumption of American citizenship by the mother or by the latter's repatriation as a citizen of the United States.

(e) One who, subsequent to acquiring American citizenship, married an alien ineligible to citizenship on or after September 22, 1922, and prior to March 3, 1931, and who since the latter date has been naturalized as an American citizen.

119. The Secretary of State may require such additional evidence of citizenship as in his judgment may be necessary to establish the citizenship of an applicant for a passport.

Part XII—A Resident of an Outlying Possession of the United States Who Was Not Born or Naturalized in the United States but Who Owes Permanent Allegiance, Whether a Citizen or Not, to the United States

120. A resident of an outlying possession of the United States who was not born or naturalized in the United States but who owes permanent allegiance, whether a citizen or not, to the United States, who was born in an outlying possession at a place where official records of birth were kept at the time of his birth, must submit with his application evidence of citizenship of the nature described in Paragraph 100, except that when a proper birth or baptismal certificate cannot be submitted or an affidavit cannot be obtained from a person who attended the birth, the applicant must submit affidavits of two credible persons stating how long they have known the applicant and through what source the knowledge of the date and place of the applicant's birth was acquired.

121. The applicant must submit such additional documentary evidence as may be necessary to show conclusively that he has acquired American nationality under any law of the United States or any treaty to which the United States is a party.

122. An applicant who claims to be a citizen of the Commonwealth of the Philippines must submit such documentary evidence as may be necessary to show conclusively that under the laws of the United States or of the Philippine Islands in effect at the time of the adoption of the Constitution of the Philippines he was a citizen of the Philippine Islands and hence acquired citizenship in the Commonwealth, or that he subsequently, under the Constitution or under the laws subsequently enacted by the legislature of the Commonwealth of the Philippines, acquired citizenship in that Commonwealth.

Part XIII—Affidavits

123. Any affidavit which may be required under these rules or shall be submitted in support of an application for a passport or the renewal, extension, or amendment of a passport shall be considered as, and become, a part of the application.

Part XIV—Additional Regulations

124. The Secretary of State is authorized in his discretion to refuse to issue a passport, to restrict a passport for use only in certain countries, to restrict it against use in certain countries, to withdraw or cancel a passport already issued, and to withdraw a passport for the purpose of restricting its validity or use in certain countries.

125. Should a person to whom a passport has been issued knowingly use or attempt to use it in violation of the conditions or restrictions contained therein or of the provisions of these rules, the protection of the United States may be withdrawn from him while he continues to reside abroad.

126. The Secretary of State is authorized to make regulations on the subject of issuing, renewing, extending, amending, restricting, or withdrawing passports additional to these rules and not inconsistent therewith.

127. This order supersedes Executive Order No. 5860 of June 22, 1932, as amended by Executive Order No. 6650 of March 23, 1934, prescribing rules governing the granting and issuing of passports in the United States.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 31, 1938.

[No. 7856]

[F. R. Doc. 38-953; Filed, April 1, 1938; 11:08 a. m.]

EXECUTIVE ORDER

TRANSFERRING TO THE PEOPLE OF PUERTO RICO CERTAIN LANDS NO LONGER NEEDED FOR THE PURPOSES OF THE UNITED STATES

Puerto Rico

WHEREAS section 7 of the act of Congress approved March 2, 1917 (39 Stat. 951, 954), entitled "An Act To provide a civil government for Porto Rico, and for other purposes", provides, in part, "That the President may from time to time, in his discretion, convey to the people of Porto Rico such lands, buildings, or interests in lands or other property now owned by the United States and within the territorial limits of Porto Rico, as in his opinion are no longer needed for the purposes of the United States"; and

WHEREAS it appears that certain portions of the reservations heretofore set apart for military or naval purposes within the municipality of San Juan, Puerto Rico, are no longer needed for the purposes of the United States; and

WHEREAS such lands are desired by the people of Puerto Rico and may be advantageously used by them:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the power vested in me by the foregoing statutory provision, do hereby transfer and convey to the people of Puerto Rico the two following-described parcels of land situate within the municipality of San Juan, Puerto Rico:

1. A parcel of land reserved for the use of the Marine Hospital service by proclamation of the President of June 30, 1903, lying next west of the north and south line of the eastern boundary line of the military reservation west of the first line of defense, near San Antonio bridge, running three hundred feet front east and west along the so-called military road and extending towards the north to the old stone ditch defense, containing an area of three and ninety-four one-hundredths acres, and under the jurisdiction and control of the Treasury Department; the said parcel being the remaining part of the Marine Hospital Reservation, a portion of which was transferred to the people of Puerto Rico for highway purposes by proclamation of the President No. 1807 of June 11, 1927.

2. A parcel of the land described in the proclamation of the President No. 1970 of September 15, 1931, which remained under the jurisdiction and control of the Department of the Navy after certain reserved lands were set apart for the uses of other executive departments by proclamation of the President No. 1177 of January 26, 1912, said parcel being more particularly described as follows:

Beginning at a point in the northerly line of the military road as relocated from which point numbered 84 on the old military road as shown on the military chart of the military reservation of San Juan, bears N. 23°29' E. 3.72 meters; thence, from the said initial point, by metes and bounds, always by the northerly line of the old military road, the following courses:

S. 66°9'30" E. 32.43 meters to a point;
S. 65°57'40" E. 31.01 meters to a point;

S. 67°15'30" E. 22.68 meters to a point;
S. 65°23'20" E. 14.48 meters to a point;
S. 60°22' E. 12.21 meters to a point;
S. 59°24'10" E. 16.61 meters to a point;
S. 52°34'20" E. 11.39 meters to a point;
S. 43°7' E. 14.44 meters to a point;
S. 34°5'50" E. 14.22 meters to a point;
S. 32°5'40" E. 6.31 meters to a point;
N. 86°49'40" E. 2.25 meters to a point at the northwesterly corner of an old fortification wall; thence N. 86°49'40" E. 3.43 meters to a point at the northeasterly corner of the said wall; thence along the easterly face of the said fortification wall the following two courses:
S. 6°35' E. 59.22 meters to a point;
S. 5°51' E. 93.49 meters to a point;
S. 84°6' E. 6.85 meters, crossing the said old fortification wall and old military road to the point of beginning of a curve with a radius of 310 meters in the northeasterly line of the aforementioned military road as relocated; thence in a general northwesterly direction along the said curve, coinciding with the said northeasterly line of road as relocated, the following four courses:

On said curve, with a radius of 310 meters, 80.02 meters along the curve, the chord of which bears N. 13°13' W. 79.81 meters;

Continuing on the said curve, 82.98 meters along the curve, the chord of which bears N. 28°17' W. 82.74 meters;

Continuing on the said curve, 80.02 meters along the curve, the chord of which bears N. 43°21' W. 79.81 meters;

Continuing on the said curve, 60.05 meters along the curve, the chord of which bears N. 56°18' W. 59.96 meters to the place of beginning; containing in area 1.549 acres.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 31, 1938.

[No. 7857]

[F. R. Doc. 38-952; Filed, April 1, 1938; 11:08 a. m.]

EXECUTIVE ORDER

AUTHORIZING THE ATTORNEY GENERAL TO REJECT BIDS FOR CERTAIN PROPERTY OFFERED FOR SALE AT SAVANNAH, GEORGIA, PURSUANT TO THE TRADING WITH THE ENEMY ACT, AS AMENDED

WHEREAS the Attorney General of the United States, as successor in interest to the Alien Property Custodian, offered for sale at public auction in the City of Savannah, Georgia, on March 1, 1938, two pieces of real estate, namely, a lot 60' x 100' and improvements thereon situated at Jones and Whitaker Streets, and a lot 30' x 110' and improvements thereon known as 413 E. 36th Street, both in the City of Savannah, Georgia; and

WHEREAS the highest bid received for the property first above mentioned was \$11,050 and the highest bid received for the property last above mentioned was \$716.50, both of which bids were made by Jake Fine; and

WHEREAS upon consideration I find that the above-mentioned bids are inadequate and do not represent the fair value of the real estate involved:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 12 of the Trading with the Enemy Act, approved October 6, 1917 (40 Stat. 411, 423), as amended by the act of March 28, 1918, 40 Stat. 459, I hereby authorize the Attorney General of the United States to reject all bids made at the above-mentioned public offering, including the bids of the said Jake Fine.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 31, 1938.

[No. 7858]

[F. R. Doc. 38-954; Filed, April 1, 1938; 11:08 a. m.]

TREASURY DEPARTMENT.

Bureau of Customs.

[T. D. 49487]

CUSTOMS REGULATIONS AMENDED—LIQUIDATIONS—MANIPULATED MERCHANDISE—BY-PRODUCTS AND WASTES

CUSTOMS REGULATIONS OF 1937, RELATING TO LIQUIDATION OF ENTRIES AND POSTING OF SUCH LIQUIDATIONS, AMENDED TO PROVIDE FOR LIQUIDATION OF WAREHOUSE WITHDRAWALS FOR CONSUMPTION COVERING GOODS SUBJECT TO PROVISIONS OF SECTION 311 OR 562 OF TARIFF ACT OF 1930

To Collectors of Customs and Others Concerned:

Pursuant to the authority contained in sections 311, 556, 562 and 624 of the Tariff Act of 1930 (U. S. C., title 19, secs. 1311, 1556, 1562 and 1624), article 818 of the Customs Regulations of 1937¹ is hereby amended by adding at the end thereof a new paragraph (j) to read as follows:

(j) Warehouse withdrawals for consumption covering manipulated merchandise withdrawn from class 8 warehouses and by-products and wastes withdrawn from class 6 warehouses shall be liquidated and the liquidations posted.

[SEAL]

FRANK DOW,

Acting Commissioner of Customs.

Approved: March 26, 1938.

STEPHEN B. GIBBONS,

Acting Secretary of the Treasury.

[F. R. Doc. 38-957; Filed, April 1, 1938; 12:40 p. m.]

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (H), OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS TO BE ESTABLISHED BY THE COMMISSION

AN ORDER DIRECTING ALL DISTRICT BOARDS TO FILE WITH THE COMMISSION PROPOSED REASONABLE MAXIMUM DISCOUNTS TO "DISTRIBUTORS"

Pursuant to Act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. For the purpose of aiding the Commission to determine and prescribe due and reasonable maximum discounts or price allowances that may be made by code members to "distributors", as defined by Section 4, Part II (h) of the Act, the several District Boards are hereby directed to file with the Commission on or before April 18, 1938, proposed reasonable maximum discounts or price allowances for their respective districts, together with a statement of the names of the witnesses each district, alone or in conjunction with other districts, intends to have testify at the public hearing to be held on the 25th day of April, 1938 in the above entitled matter, and a statement of the nature of the testimony which will be offered at said hearing in support of their proposals.

2. The Secretary of the Commission shall, forthwith, mail copies of this order to the Consumers' Counsel, to the Secretary of all District Boards, and to all code members within their respective districts.

By order of the Commission.

Dated this 31st day of March, 1938.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary.*

[F. R. Doc. 38-948; Filed, April 1, 1938; 11:00 a. m.]

¹ 2 F. R. 1907 (DI).

RULING RELATING TO COST DATA OF PRODUCERS

Pursuant to the provisions of Section 4, Part II (a) and Section 10 (a) of the Bituminous Coal Act of 1937, the Commission obtained from producers detailed information with respect to individual costs of production of the coals of such producers in the calendar year 1936 to be used in connection with the proposal and establishment of minimum prices of coals of code members. Such records are held by the various Statistical Bureaus of the Commission as the confidential records of the producers furnishing the information.

Section 10 (a) of the Act provides:

* * * No information obtained from a producer disclosing costs of production or sales realization shall be made public without the consent of the producer from whom the same shall have been obtained, except where such disclosure is made in evidence in any hearing before the Commission or any court and except that such information may be compiled in composite form in such manner as shall not be injurious to the interests of any producer and, as so compiled, may be published by the Commission.

The Commission construes the foregoing provision as permitting the introduction in evidence at a hearing before the Commission of the aforesaid cost data of the individual producers.

The Commission will in the immediate future give public notice of a hearing to be held to determine the weighted average of the total cost of the tonnage for each minimum price area in the calendar year 1936, adjusted as provided by Section 4, Part II (a) of the Act, at which hearing the aforesaid information obtained from producers with respect to individual costs of production of the coals of such producers in the calendar year 1936 will be made available for introduction in evidence to support the determinations of the District Boards of the total costs of the ascertainable tonnage produced in their respective districts in the calendar year 1936, and the necessary adjustments thereto and to support the Commission's determination of the weighted average of the total costs of the tonnage for each minimum price area in the calendar year 1936 adjusted as aforesaid.

By the Commission.

Dated this 30th day of March, 1938.

[SEAL]

F. WITCHER McCULLOUGH, *Secretary.*

[F. R. Doc. 38-949; Filed, April 1, 1938; 11:00 a. m.]

RULING RELATING TO THIRTY-DAY CONTRACT LIMITATION

Inquiry having been made to the Commission as to whether or not a thirty (30) day limitation on contracts for the sale of coal is in effect by virtue of the provisions of the third paragraph of Section 4 (e) of the Act, or by virtue of Commission's Order No. 44, and as to the power of the Commission to impose such thirty (30) day limitation under the authority vesting in the Commission to prescribe reasonable rules and regulations to carry out the provisions of the Act, in response thereto and in conformity with what it deems to be the intent of Congress, and in order to carry out the provisions of the Act:

The Commission construes the third paragraph of Section 4 (e) of the Act, which limits contracts for the sale of coal from and after the date of the approval of the Act, "until prices shall have been established," to a period not longer than thirty (30) days from the date of the contract, as meaning that the thirty (30) day limitation on contracts shall be effective "while" or "as long as" prices are not established, the word "until" referring to the entire time of the duration of a condition, rather than the mere point of inception of such condition, and;

The Commission declares that until minimum prices of coals of code members have been reestablished by the National Bituminous Coal Commission, pursuant to subsections (a) and (b) of Part II, Section 4 of the Act, no code member shall sell or enter into any agreement to sell coal calling for delivery thereof for a period beyond thirty (30) days from the date of such sale or agreement of sale.

The Secretary of the Commission shall, forthwith, mail copies of this ruling to the Consumers' Counsel, the Secretaries of the Bituminous Coal Producers' Boards and to code members, and shall cause copies of this ruling to be made available for inspection by all interested parties at the Secretary's office of the Commission and at all Statistical Bureaus of the Commission.

By the Commission.

Dated this 30th day of March, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-950; Filed, April 1, 1938; 11:00 a. m.]

[Order No. 238]

AN ORDER REVOKING ORDERS NOS. 8, 11, 25, 32, 41, 46, 54, 55, 56, 57, 58, 59, 60, 72, 87, 115, 116, 117, AND 118

Pursuant to act of Congress entitled "An Act to regulate interstate commerce in bituminous coal, and for other purposes" (Public, No. 48, 75th Cong., 1st sess.), known as the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders:

1. That the following orders of the Commission are hereby revoked: Orders Nos. 8, 11, 46, 57, 58, 59 with respect to standards for and hearings on classification of coals; Orders Nos. 9, 12, 33 and 34 providing for hearings in connection with maximum discounts to distributors and farmers co-operative organizations; Orders Nos. 25 and 32 providing for hearings on marketing rules and regulations; Orders Nos. 41, 60 and 72 issued in connection with the failure of district boards to comply with Commission's Order No. 39; Order No. 54 regarding a meeting of District Board No. 15 called to effectuate Order No. 42; Orders Nos. 55 and 56 directing certain district boards to determine and adjust their weighted average costs; Orders Nos. 87, 115, 116, 117 and 118 issued in connection with failure of district boards to take action required by Commission's Order No. 42.¹

2. That the Secretary of the Commission shall, forthwith, mail a copy of this order to the Secretaries of the Bituminous Coal Producers' Boards for the several districts, to the Consumers' Counsel, and to all code members, and shall cause a copy of this order to be published in the FEDERAL REGISTER.

By order of the Commission.

Dated this 30th day of March, 1938.

[SEAL]

F. WITCHER McCULLOUGH, Secretary.

[F. R. Doc. 38-951; Filed, April 1, 1938; 11:00 a. m.]

Petroleum Conservation Division.

[Order No. 1263]

PRESCRIBING AND APPROVING FORMS PURSUANT TO AUTHORITY CONTAINED IN CERTAIN EXECUTIVE ORDERS

APRIL 1, 1938.

Whereas, Executive Order No. 7756,² dated December 1, 1937, was issued under the Act of Congress entitled "An Act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935 (49 Stat. 30), as amended by the Act approved June 14, 1937, Public No. 145, 75th Congress; and

Whereas, Executive Order No. 7757,³ dated December 1, 1937, Regulation XVIII thereof, issued under said Act, authorizes the Secretary of the Interior to prescribe and approve forms designated OCR-1 and OCR-2; and

Whereas, Executive Order No. 7758,⁴ dated December 1, 1937, Articles III and IV thereof, issued under said Act

authorizes the Secretary of the Interior to approve forms of applications to Federal Tender Board No. 1 for certificates of clearance, supporting affidavits for said applications, returns relative thereto, and forms of monthly reports by refineries, reclamation plants, casing-head gasoline plants, pipe lines and producers operating in the East Texas Field.

Now, Therefore, pursuant to authority vested in me by said Executive Order No. 7756, and pursuant to said Executive Orders No. 7757 and No. 7758, it is hereby ordered that attached Forms OCR-1 and OCR-2, and Forms 1, 2, 3, and 4, and Forms A, B, C, D, and E,⁵ all dated April 1, 1938, are prescribed and approved by me this date.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 38-947; Filed, April 1, 1938; 9:46 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

DETERMINATION OF FAIR AND REASONABLE WAGES FOR PERSONS EMPLOYED IN THE PRODUCTION, CULTIVATION, OR HARVESTING OF SUGARCANE IN HAWAII DURING THE PERIOD SEPTEMBER 1, 1937 TO DECEMBER 31, 1937

Whereas Section 301 (b) of the Sugar Act of 1937 provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas: *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

and

Whereas Section 301 (e) of the said Act provides, in part, as follows:

The conditions provided in * * * subsection (b) with respect to wage rates, of this section shall not apply to work performed prior to the enactment of this Act; * * *

and

Whereas the Secretary of Agriculture, on November 29, 1937, held a public hearing⁶ in Honolulu, Hawaii, for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Hawaii during the period September 1, 1937 to December 31, 1937:

Now, therefore, I, H. A. Wallace, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearing and all other information before me, do hereby determine that the requirements of subsection (b) of Section 301 of the Sugar Act of 1937 shall be deemed to have been met with respect to the production, cultivation, or harvesting of sugarcane on a farm in the Territory of Hawaii during the period from September 1, 1937, to December 31, 1937, if all persons employed for such work on the farm during that period shall, in addition to receiving any perquisite furnished by the producer, have been paid in

¹ 2 F. R. 2148 (DI).

² 2 F. R. 3091 (DI).

³ 2 F. R. 3096 (DI).

⁴ The forms were a part of the original document as filed with the Division of the Federal Register, The National Archives.

⁵ 2 F. R. 2821 (DI).

⁶ 2 F. R. 2821 (DI).

full for all such work at not less than the rates agreed upon plus a per centum of such rates (in no event less than 5 per centum) which, had it been applied as an increase in the wages paid for all work performed on the farm in the production, cultivation, and harvesting of sugarcane during the calendar year 1937, would have resulted in an average daily cash wage (computed on the basis of 8 hours per day of work) for such work of not less than \$2.10.

Done at Washington, D. C., this 1st day of April, 1938.
Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-956; Filed, April 1, 1938; 12:22 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities
and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of March, A. D., 1938.

[File No. 1-1429]

IN THE MATTER OF MOTHER LODE COALITION MINES COMPANY, CAPITAL STOCK

ORDER GRANTING APPLICATION FOR STRIKING SECURITIES FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Rule JD2 under the Securities Exchange Act of 1934, as amended, having made application for the striking from listing and registration thereon of 2,500,000 shares of the common stock of Mother Lode Coalition Mines Company, no par value; and

The Commission having considered the application and information pertinent thereto, and having due regard for the public interest and the protection of investors, and having filed its findings and opinion therein;

It is ordered, That said application be and hereby is granted, effective at the close of the trading session on April 9, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 38-955; Filed, April 1, 1938; 11:22 a. m.]

12 P. R. 3374 (DI).

